

Esther Solomon
140 West 62nd Street
New York, New York 10023
212 636-6187

June 6, 2024
Hon. Edgardo Ramos, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 619
New York, NY 10007

Re: *Solomon v. Fordham University* (Case 18-cv-04615)

Dear Judge Ramos:

This is to respectfully request the Court's leave to file a Surreply to address Defendant's May 7, 2024 Reply Memo and Declaration (Dkts. 152, 151). They are replete with untrue representations of their supposed compliance, while the opposite is true. Defendant does not consent to this application.

Most of my document requests remain without responsive production. Fordham has not satisfied a single interrogatory. As I indicated to the Court in my April 26 letter (Dkt.150), I am hampered by the lack of discovery, including ongoing violations of the Stipulated Protective Order, redactions of comparator names precluding depositions, and stonewalling. This also impedes uncovering evidence on the pattern against other professors of protected classes, discriminated with similar methods by the same group.

Fordham's 2024 Production

About four months into the six-month discovery ordered in January by the Court, Fordham's 2024 production has not changed anything. While asserting to have produced 1,900 pages on April 24, Defendants gave only *two pages* on my status changes #F-17200-17201, among 20 pages produced on my records. (Exhibit 1) I also tried obtaining my status change documents from Fordham's in-house counsel and trial attorneys but was left with a non-responsive round-robin of emails and no documents. In contrast, Declaration ¶8a (Dkt. 151) states that Fordham produced "All documents added to Plaintiff's Personnel File since Fordham's first production," referring to five years 2019-2024.

Defendant omits that 95% of their production is minimally responsive to discovery requests: of the 1,900 pages produced, 1,769 are redacted disorganized records for three professors, per Declaration ¶8c "Personnel Files for comparator professors 13-15," and 34 pages for three different redacted professors without numbers. A "key" was provided with 15 numbers, corresponding to 15 of 18 redacted Professors. (Exhibit 2). Similarly, having produced no data whatsoever for the pay claims requests (Exhibit 3), they write instead in ¶8d they supplied "Documents related to salary and benefits analysis undertaken by Fordham."

In another example, despite the specific request (Exhibit 4), they have not provided a single document supporting Fordham's defense against my secret retaliatory termination: that it is Fordham's "customary" practice to send tenured faculty on unpaid leave to COBRA by removing them from the IRS-mandated employer health plan. Fordham should be compelled to

provide the documents on faculty-transferred to COBRA or acknowledge they don't exist. Surprisingly, Fordham announces in Declaration ¶13 that they are nearing the end of their production, despite their failure to comply with their obligations.

Compel Compliance with Subpoenas and Redaction Removal

Fordham should be compelled to provide complete personnel files honoring the 2019 Federal subpoenas, with consequences for non-compliance. They should be without any of the multiple levels of unauthorized redactions, none of which is supported by the law and which has been clarified by the mandate. (Exhibit 5, Examples of redactions). Fordham asserted to the Cravath firm in 2019 and admitted to the Court at the January 29, 2020 Hearing (Exhibit 6) that subpoenas enable the production of unredacted Personnel files. Defendant should finally produce those files, unredacted.

Fordham's extraordinary actions of secretly terminating a tenured professor without cause or due process, officially reporting it, and filing contradictory representations to different Federal authorities, including IRS follow-up, deserve discovery. They did not supplement for 2019-2024 and corrected none of the 2019 production deficiencies per my motion (Dkt 134), either about my file or the comparators' scattered redacted pages they produced.

Second Circuit Mandate, the Law of the Case

The defendant disagrees with the mandate in this case and claims it is irrelevant to the discovery issues. They make no corrections to address the Second Circuit's explicit decision on issues including time scope, the impropriety of comparator name redactions, and the need for data for pay claims by both EPA and Title VII, instead, asked the Court to deviate from its directives. However, under the mandate rule, "[w]here a case has been decided by an appellate court and remanded, the court to which it is remanded must proceed in accordance with the mandate and such law of the case as was established by the appellate court." *Kerman v. City of New York*, 374 F.3d 93, 109 (2d Cir. 2004). The "mandate rule prevents re-litigation in the district court not only of matters expressly decided by the appellate court but also precludes re-litigation of issues impliedly resolved by the appellate court's mandate." *Brown v. City of Syracuse*, 673 F.3d 141, 147 (2d Cir. 2012).

Improper Redactions Lack Support

Comparator Name redactions: There is no case providing legal support for redactions of comparator professor's names. These redactions of comparator names invalidate most of Defendant's production. To overcome the lack of legal support, Defendant misrepresents *Black v NYU* which did not involve comparator name redactions, contrary to their assertion (see specifics in Dkt. 147, pp. 16-17).

An essential requirement in Title VII cases is identifying comparators, which is impossible with concealed names. In this case, which involves a pattern, anonymity precludes connecting qualitative with quantitative data and other indicia of discriminatory intent.¹

Peer Reviewer Name Redactions: Peer reviewer name redactions are also not supported by law in this Title VII case. To misportray them as legitimate, Defendant improperly relies on two cases that stand for disclosure of university peer review records: The Supreme Court case

¹ "A disparate treatment claim often includes a combination of strong statistical evidence of disparate impact coupled with anecdotal evidence of the employer's intent to treat the protected class unequally." *Kassman v. KPMG LLP*, 416 F. Supp. 3d 252, 284 (S.D.N.Y. 2018)

University of Pennsylvania v. EEOC, 493 U.S. 182 (1990) and *Weinstock v. Columbia Univ.*, 1995 U.S. Dist. LEXIS 14003 (S.D.N.Y. 1995). However, neither case addressed redactions. While the word “redactions” does not appear in *Weinstock*, Defendant cites it as supporting redaction of peer reviewer names (Dkt 152 p 8). In *Pennsylvania*, the Supreme Court specifically clarified that it did not consider redactions on peer review records in enforcing the subpoena. (footnote 9, p.589).

Fordham’s Unmet Burden Seeking Redactions

Defendant fails to meet the burden for the redactions they seek to legitimize, so they reverse the standard. As the party seeking discovery, I meet my burden of relevance for comparator names (see also Second Circuit Mandate). Fordham has the burden of proof for withholding discovery by redactions, but they do not meet it: “The party seeking discovery bears the initial burden of proving the discovery is relevant, and then the party withholding discovery ... bears the burden of proving the discovery is, in fact, privileged or work product, unduly burdensome and/or expensive. *Citizens Union of City of New York v. Attorney Gen. of New York*, 269 F. Supp. 3d 124, 139 (S.D.N.Y. 2017). While referencing the case above, Defendant misrepresents its content by saying the unmet burden is mine rather than theirs.

The Standard for Modification of a Protective Order Not Met

Five years ago, Fordham first negotiated, agreed to the terms and committed to complying with the terms of the Stipulated Protective Order. However, as the Cravath firm pointed out, they immediately violated its terms, including regarding the unauthorized redactions.² In the April 16, 2024 cross-motion, they omitted the existence of the valid Stipulated Protective Order.

Defendant now asks the Court to endorse their violations in a new modified Protective Order, despite the lack of legal support for comparator name redactions they seek. However, “In this Circuit, there is a strict standard for modification of a protective order entered by a district court. See *In re Teligent, Inc.*, 640 F.3d 53, 59 (2d Cir. 2011). Under this strict standard, “it is ‘presumptively unfair for courts to modify protective orders which assure confidentiality and upon which the parties have reasonably relied.’” ... “Once a court enters a protective order and the parties rely on that order, it cannot be modified ‘absent a showing of improvidence in the grant’ of the order or ‘some extraordinary circumstance or compelling need.’” *In re Hornbeam Corp.*, 2020 U.S. Dist. LEXIS 145996 (S.D.N.Y. 2020) (citations omitted). Defendant fails to meet the burden of “extraordinary circumstance or compelling need” to modify the Stipulated Protective Order and their request should be denied.

For the preceding reasons, I respectfully request that leave to file a Surreply be granted.

Sincerely,

/s/ Esther Solomon

Esther Solomon
Plaintiff Pro Se

² The April 10, 2019 email from Cravath to Fordham: “Please confirm immediately whether Fordham will agree to produce these materials without reductions, as required by the Federal Rules.”

Exhibits

1. Two documents produced on Plaintiff's status: Actions Form #F-17200-17201 as of April 17, 2019 and February 1, 2020
2. Redacted comparator professor's number key: List of numbers for 15 of the 18 redacted comparator professors.
3. Pay claim requests (#3, #4) from Plaintiff's Second Document Requests with Defendant responses, Dkt. 146, pp. 37-39
4. "Cobra as Customary" requests (#7) from Plaintiff's Second Document Requests with Defendant responses, Dkt. 146, p. 41.
5. Redaction Examples
6. Excerpts from the January 1, 2020 Pre-Motion Conference

EXHIBIT 1



FORDHAM UNIVERSITY - UNIVERSITY ACTION FORM

PURPOSE						
<input type="checkbox"/> New Employee <input type="checkbox"/> Transfer <input type="checkbox"/> Promotion <input type="checkbox"/> Reappointment <input type="checkbox"/> Salary Adjustment <input type="checkbox"/> Title Change <input checked="" type="checkbox"/> Leave of Absence <input type="checkbox"/> Exit <input type="checkbox"/> Manual Check <input type="checkbox"/> Other:						
PERSONAL INFORMATION						
Fordham ID No.		Last Name		First Name	MI	Personal Email
		Solomon		Esther		
JOB INFORMATION - NEW HIRES						
Employee Classification		Employee Status	Job Type	Start Date	Service Date	Probation End Date
<input type="checkbox"/> Faculty <input type="checkbox"/> Administrator <input type="checkbox"/> Clerical <input type="checkbox"/> Maintenance <input type="checkbox"/> Casual/Hourly		<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time	<input type="checkbox"/> 12 Month <input type="checkbox"/> 10 Month			
		Benefit Status		Position Title/Level		Position No.
		<input type="checkbox"/> Benefits Eligible <input type="checkbox"/> Pension Only <input type="checkbox"/> Non-Benefitted				
HRS	Dept/Location		Annual Salary	Biweekly/Hourly Rate	FOAPL/Budget	
			\$	\$		
Replaced		Anticipated End Date	Supervisor		Timesheet Approver (if different)	
<input type="checkbox"/> TRANSFER <input type="checkbox"/> PROMOTION <input type="checkbox"/> REAPPOINTMENT						
FOAPL Budget				Reappt/Grant End Date		
Current Title/Level		Position No.	Annual Salary	HRS	Biweekly/Hourly Rate	Department
			\$		\$	
New Title/Level		Position No.	Annual Salary	HRS	Biweekly/Hourly Rate	Department
			\$		\$	
LEAVES						
<input checked="" type="checkbox"/> Start Date: 01/01/19 <input type="checkbox"/> End Date:						
<input type="checkbox"/> Short Term Disability <input type="checkbox"/> FMLA <input type="checkbox"/> LTD <input type="checkbox"/> Worker's Comp <input checked="" type="checkbox"/> Personal Leave						
Salary: <input type="checkbox"/> Continue <input checked="" type="checkbox"/> End <input type="checkbox"/> STD Statutory <input type="checkbox"/> Pension Only <input type="checkbox"/> None as of 4/17/19 Benefits: <input type="checkbox"/> All <input type="checkbox"/> Medical Only <input type="checkbox"/> Pension Only <input type="checkbox"/> None						
Faculty Leave Type: <input type="checkbox"/> Research <input type="checkbox"/> Fellowship Length: <input type="checkbox"/> Academic Year <input type="checkbox"/> Calendar Year <input checked="" type="checkbox"/> Semester						
Year: 2019 Semester: Spring Salary: <input type="checkbox"/> Continue PCT/AMT: <input checked="" type="checkbox"/> End Benefits: <input type="checkbox"/> All <input type="checkbox"/> Medical Only <input type="checkbox"/> Pension Only <input type="checkbox"/> None						
EXIT						
Effective Date		Exit Reason		Vacation Days		<input type="checkbox"/> Eligible for Rehire <input type="checkbox"/> Not Eligible for Rehire
ADDITIONAL INFORMATION/COMMENTS						
see emails						
HRIS USE ONLY						
Processed for Payroll	Retroactive Days Paid	Retroactive Payment	Vacation Payout	Longevity Added	Salary Deferral	
		\$	\$	\$	\$	
Automatic Benefits/Deduction Setup		<input type="checkbox"/> LTD	<input type="checkbox"/> Basic Life/AD&D	<input type="checkbox"/> Health & Welfare	<input type="checkbox"/> Union Fees	<input type="checkbox"/> Union Dues
Effective Date(s)						
Amount(s)		\$	\$	\$	\$	\$
APPROVAL SIGNATURES						
Area VP/Department Manager: R. Velazquez				Date:	7/31/19	
Human Resources:				Date:		
HRIS:				Date:		



FORDHAM UNIVERSITY - UNIVERSITY ACTION FORM

w/out benefits as of 9/1/2021

PURPOSE						
<input type="checkbox"/> New Employee	<input type="checkbox"/> Transfer	<input type="checkbox"/> Promotion	<input type="checkbox"/> Reappointment	<input type="checkbox"/> Salary Adjustment	<input type="checkbox"/> Title Change	
<input checked="" type="checkbox"/> Leave of Absence	<input type="checkbox"/> Exit	<input type="checkbox"/> Manual Check	<input type="checkbox"/> Other:			
PERSONAL INFORMATION						
Fordham ID No.	Last Name	First Name	MI	Personal Email		
	Solomon	Esther				
JOB INFORMATION - NEW HIRES						
Employee Classification	Employee Status	Job Type	Start Date	Service Date	Probation End Date	
<input type="checkbox"/> Faculty	<input type="checkbox"/> Full Time	<input type="checkbox"/> 12 Month				
<input type="checkbox"/> Administrator	<input type="checkbox"/> Part Time	<input type="checkbox"/> 10 Month				
<input type="checkbox"/> Clerical	Benefit Status		Position Title/Level		Position No.	
<input type="checkbox"/> Maintenance	<input type="checkbox"/> Benefits Eligible <input type="checkbox"/> Pension Only					
<input type="checkbox"/> Casual/Hourly	<input type="checkbox"/> Non-Benefitted					
HRS	Dept/Location	Annual Salary	Biweekly/Hourly Rate	FOAPL/Budget		
		\$	\$			
Replaced	Anticipated End Date	Supervisor	Timesheet Approver (if different)			
<input type="checkbox"/> TRANSFER <input type="checkbox"/> PROMOTION <input type="checkbox"/> REAPPOINTMENT						
FOAPL Budget			Reappt/Grant End Date			
Current Title/Level	Position No.	Annual Salary	HRS	Biweekly/Hourly Rate	Department	End Date
		\$		\$		
New Title/Level	Position No.	Annual Salary	HRS	Biweekly/Hourly Rate	Department	Start Date
		\$		\$		
LEAVES						
<input checked="" type="checkbox"/> Start Date: 02/01/2020			<input type="checkbox"/> End Date:			
<input type="checkbox"/> Short Term Disability <input type="checkbox"/> FMLA <input type="checkbox"/> LTD <input type="checkbox"/> Worker's Comp <input checked="" type="checkbox"/> Personal Leave						
Salary: <input type="checkbox"/> Continue <input checked="" type="checkbox"/> End <input type="checkbox"/> STD Statutory Benefits: <input type="checkbox"/> All <input type="checkbox"/> Medical Only <input type="checkbox"/> Pension Only <input checked="" type="checkbox"/> None						
Faculty Leave Type: <input type="checkbox"/> Research <input type="checkbox"/> Fellowship Length: <input type="checkbox"/> Academic Year <input type="checkbox"/> Calendar Year <input type="checkbox"/> Semester Year: _____ Semester: _____ Salary: <input type="checkbox"/> Continue <input type="checkbox"/> PCT/AMT: _____ <input type="checkbox"/> End Benefits: <input type="checkbox"/> All <input type="checkbox"/> Medical Only <input type="checkbox"/> Pension Only <input type="checkbox"/> None						
EXIT						
Effective Date	Exit Reason	Vacation Days	<input type="checkbox"/> Eligible for Rehire			
			<input type="checkbox"/> Not Eligible for Rehire			
ADDITIONAL INFORMATION/COMMENTS						
HRIS USE ONLY						
Processed for Payroll	Retroactive Days Paid	Retroactive Payment	Vacation Payout	Longevity Added	Salary Deferral	
		\$	\$	\$	\$	
Automatic Benefits/Deduction Setup	<input type="checkbox"/> LTD	<input type="checkbox"/> Basic Life/AD&D	<input type="checkbox"/> Health & Welfare	<input type="checkbox"/> Union Fees	<input type="checkbox"/> Union Dues	
Effective Date(s)						
Amount(s)	\$	\$	\$	\$	\$	
APPROVAL SIGNATURES						
Area VP/Department Manager:	R. Velazquez			Date:	01/31/2020	
Human Resources:				Date:		
HRIS:				Date:	01/31/2020	

EXHIBIT 2

CONFIDENTIAL

Solomon v. Fordham University
18-cv-04615-ER

Professor 1

- Male
- Date of Birth: XX/XX/1970
- Title: Associate Professor

Professor 2

- Male
- Date of Birth: XX/XX/1950
- Title: Professor

Professor 3

- Male
- Date of Birth: XX/XX/1952
- Title: Professor

Professor 4

- Male
- Date of Birth: XX/XX/1973
- Title: Associate Professor

Professor 5

- Male
- Date of Birth: XX/XX/1956
- Title: Professor

Professor 6

- Male
- Date of Birth: XX/XX/1943
- Title: Professor

Professor 7

- Male
- Date of Birth: XX/XX/1949
- Title: Professor

Professor 8

- Male
- Date of Birth: XX/XX/1935
- Title: Professor-Phased Retirement

Professor 9

- Male

CONFIDENTIAL

Solomon v. Fordham University
18-cv-04615-ER

- Date of Birth: XX/XX/1980
- Title: Assistant Professor

Professor 10

- Female
- Date of Birth: XX/XX/1973
- Title: Professor

Professor 11

- Female
- Date of Birth: XX/XX/1981
- Title: Associate Professor

Professor 12

- Female
- Date of Birth: XX/XX/1961
- Title: Professor

Professor 13

- Male
- Date of Birth: XX/XX/1942
- Title: Professor- Retired

Professor 14

- Male
- Date of Birth: XX/XX/1948
- Title: Professor

Professor 15

- Male
- Date of Birth: XX/XX/1949
- Title: Professor

EXHIBIT 3

objects to this request as it seeks information outside the scope permitted by Rule 34 of the Federal Rules of Civil Procedure.

3. Salary and Equity

All documents and data: a) provided to the Salary and Benefits Task Force on Indicators of Gender Salary Equity Among Faculty in connection with the 2008 Report of the Salary and Benefits Task Force on Indicators of Gender Salary Equity Among Faculty

b) provide equivalent data for faculty from 2008 to present, along with disaggregation by age, gender, religion

c) from any investigations, policies, recommendations, or change in practices resulting from those Task Force findings, including the “Compression” scheme to raise certain salaries.

RESPONSE TO REQUEST NO. 3(a)

Defendant objects to this request insofar as Plaintiff’s request assumes that the requested documents are official documents created by Defendant University. Defendant further refers Plaintiff to the report from the Faculty Task Force previously produced in this action (Bates number FORDHAM0000177-FORDHAM0000185). Subject to and without waiver of the Objections and the specific objection herein, Defendant will produce reasonably available, relevant, non-privileged, responsive documents to the extent that any exist, that are in the possession, custody or control of Defendant which can be obtained by a reasonable search to the extent not already provided. Defendant reserves the right to supplement or otherwise modify Defendant’s response as necessary up to and through the time of trial.

RESPONSE TO REQUEST NO. 3(b)

Defendant objects to this request to the extent it is overbroad, unduly burdensome and oppressive as Plaintiff requests data for “all” Fordham “faculty from 2008 to present.” Defendant further objects to this request to the extent Plaintiff asks Defendant to create or generate documents that are not already in Defendant’s custody or control.

RESPONSE TO REQUEST NO. 3(c)

Defendant objects to this request as the term “Task Force findings” is not properly defined. Subject to and without waiver of the Objections and the specific objection herein, Defendant will produce reasonably available, relevant, non-privileged, responsive documents to the extent that any exist, that are in the possession, custody or control of Defendant which can be obtained by a reasonable search to the extent not already provided. Defendant reserves the right to supplement or otherwise modify Defendant’s response as necessary up to and through the time of trial.

4. Financial

All Documents Related to Faculty Salaries: Provide all documents, including electronic records, that reflect salary information for faculty members from 2000, broken down by gender, religion, age, department, tenure status, and rank. This includes base salaries, bonuses, overtime pay, and other forms of compensation, including those for special programs, administrative assignments, etc.

Statistical Analyses of Wage Disparities: Provide any statistical analyses conducted by or for Fordham that relate to wage disparities among faculty members, including but not limited to analyses by gender, religion, and age.

Methodologies for Setting Salaries and Increases: Provide all documents describing the methodologies, criteria, or policies used for determining initial faculty salaries, salary increases, merit pay, bonuses, and other forms of compensation.

Communications Regarding Wage-Setting Policies: Provide any communications, including emails and memos, regarding the policies or criteria for setting salaries, bonuses, or raises for faculty members. This includes discussions on adjustments, salary reviews, or changes to salary structures.

Job Classifications and Evaluations: Provide documents that outline job classifications, responsibilities, performance evaluation criteria, and the process for evaluating faculty members.

Documentation of Efforts to Correct Wage Disparities: Provide all documents showing efforts by Fordham to correct or address wage disparities among faculty members. This includes studies, reports, action plans, and outcomes of such efforts.

RESPONSE TO REQUEST NO. 4

Defendant objects to this request to the extent it is overbroad, unduly burdensome and oppressive as it seeks “all documents . . . that reflect salary information for faculty members.” Defendant further objects to this request as it is not properly limited in time/or scope as it seeks documents “from 2000.” Defendant further objects to this request to the extent Plaintiff asks

Defendant to create or generate documents that are not already in Defendant's custody or control. Defendant further refers Plaintiff to the policies previously produced in this action for information regarding how faculty salaries are set. (Bates number FORDHAM0000001-FORDHAM0000133). Defendant further refers Plaintiff to the W2 files previously produced in this action which include salary information for Plaintiff and those professors who Plaintiff alleged were comparator professors as defined in Plaintiff's First Set of Requests to Defendant for the Production of Documents (Bates number FORDHAM0000202-FORDHAM0000324, FORDHAM0013624-FORDHAM0013656). To the extent that Plaintiff expanded the scope of alleged "Comparator Professors" in Plaintiff's Second Request for Documents, Defendant objects. Subject to those objections, Defendant will produce reasonably available, relevant, non-privileged, responsive documents to the extent that any exist, that are in the possession, custody or control of Defendant which can be obtained by a reasonable search to the extent not already provided. Defendant reserves the right to supplement or otherwise modify Defendant's response as necessary up to and through the time of trial.

5. Protected Class Professor Pattern and Practice

Provide communications, documents, and personnel records for professors in protected classes who allegedly suffered discriminatory practices using methods similar to those used against Plaintiff. These include Profs. Wright, Zelany, Hessel, Gorgantzis, Marks, Yoon, Orsini, Dubrow, Welch, Weiss, and Gautschi. This should include their hiring documents, performance evaluations, disciplinary records, complaints of discrimination by the professors, communications related to employment status changes, and any retirement or termination paperwork.

RESPONSE TO REQUEST NO. 5

Defendant further objects to this request to the extent it seeks documents and information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence insofar as it requests "hiring documents, performance evaluations, disciplinary records, complaints of

EXHIBIT 4

extent not already provided. Defendant reserves the right to supplement or otherwise modify Defendant's response as necessary up to and through the time of trial.

7. COBRA as Customary

In her June 19, 2019 email to Dr. Solomon, with copies to Dean Boron, Provost Crystal, Dean Crooker, Ms. Elaine Crosson, Esq., James Ryan, Esq, and the Fordham President, Dean Rapaccioli, stated:

"It is customary that faculty on unpaid leave continue on the University health insurance plan through participation in COBRA..." (Dkt. 95-2, Exhibit 31, pp. 69-70)

Produce records of all Business school tenured faculty on unpaid or other leave removed from Fordham Health Care and sent to COBRA for health care coverage since 2000. Produce corresponding correspondence with Discovery Benefits, the IRS, and other entities regarding the "customary" use of COBRA for tenured professors on leave. Produce Fordham policies and procedures on the use of COBRA for tenured Fordham Business School professors on leave.

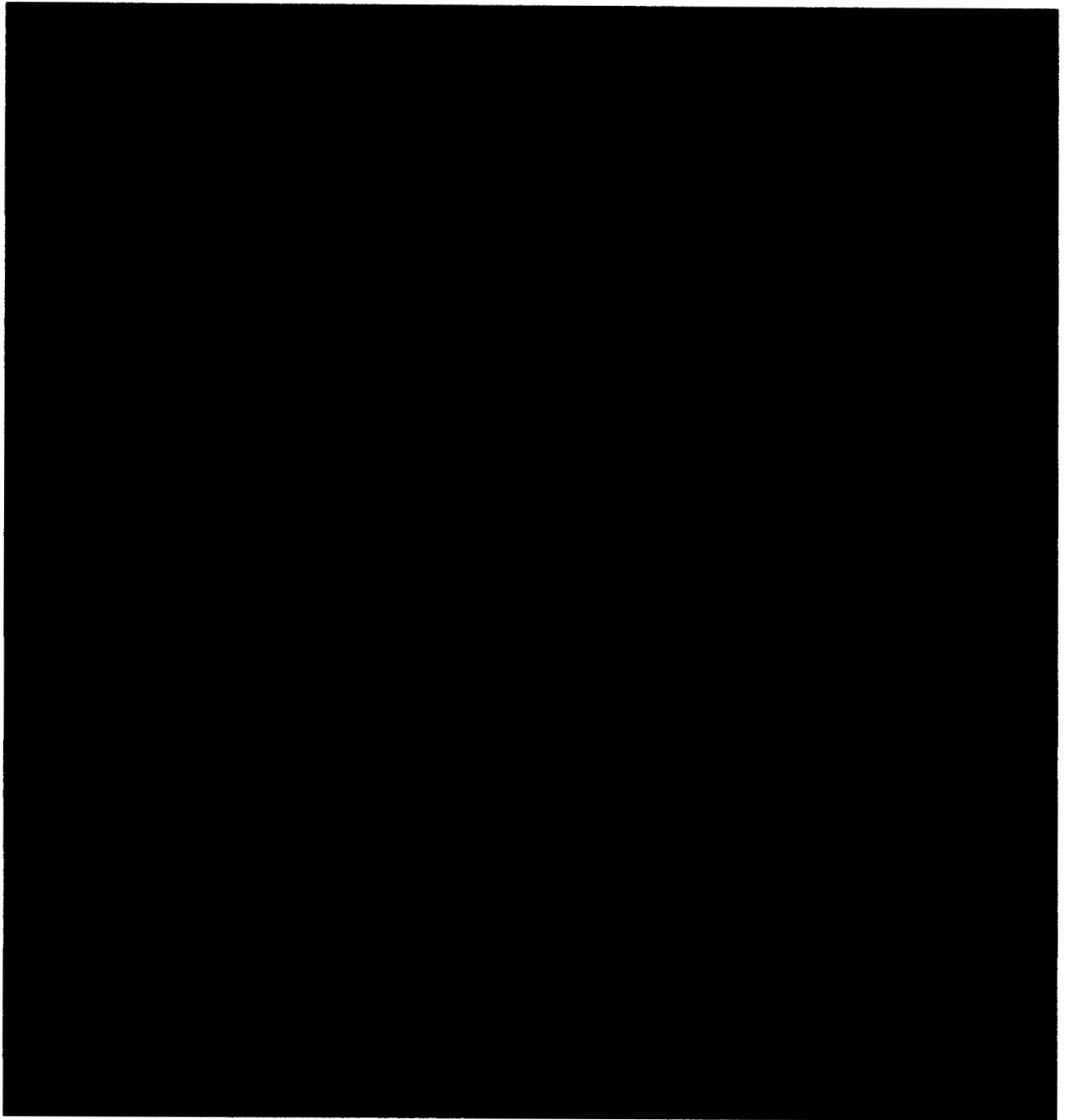
RESPONSE TO REQUEST NO. 7

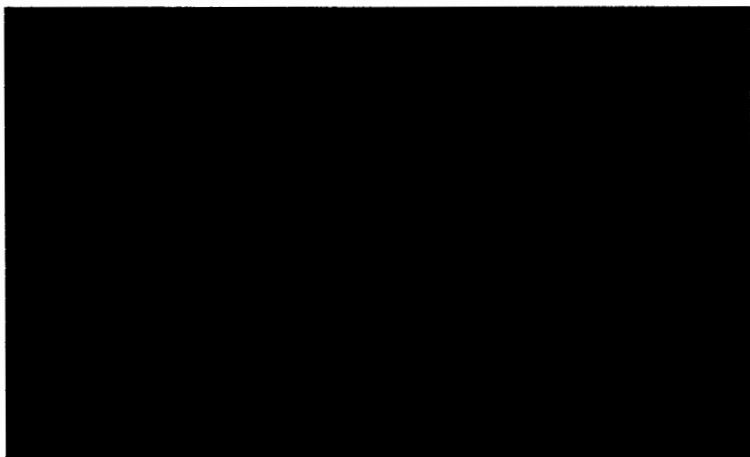
Defendant objects to this request as it is not properly limited in time/or scope and it seeks privileged and confidential employment and health care records of "all" business school tenured faculty members in the form of correspondence reflecting "unpaid or other leave removed from Fordham Health Care and sent to COBRA . . . since 2000." Subject to those objections, Defendant will produce reasonably available, relevant, non-privileged, responsive documents to the extent that any exist, that are in the possession, custody or control of Defendant which can be obtained by a reasonable search to the extent not already provided. Defendant reserves the right to supplement or otherwise modify Defendant's response as necessary up to and through the time of trial.

8. Investigations

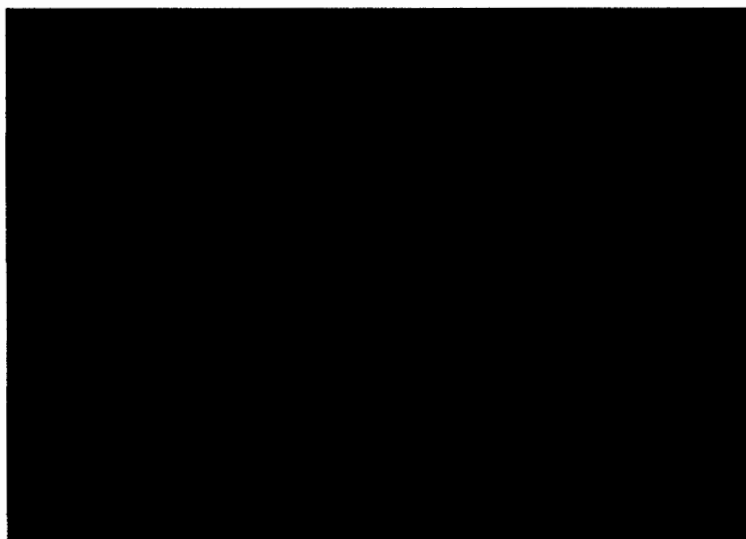
Provide documents and communications within Fordham concerning any investigation(s) of the Complaint of Prof. Solomon and the factual allegations or claims at issue in this lawsuit. All documents and communications between and amongst members of the Administration, including but not limited to President Father McShane, Provost Freedman, Dean Rapaccioli, VP Crystal, Dr. Hollwitz, Gabelli Business School faculty members, Fordham undergraduate administrators and faculty, and others so identified in:

EXHIBIT 5





b6
b7C

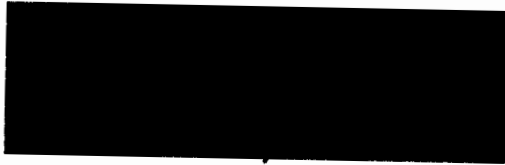


09/09/98 WED 17:07 FAX 212 765 5573

FORDHAM GRAD. BUS.

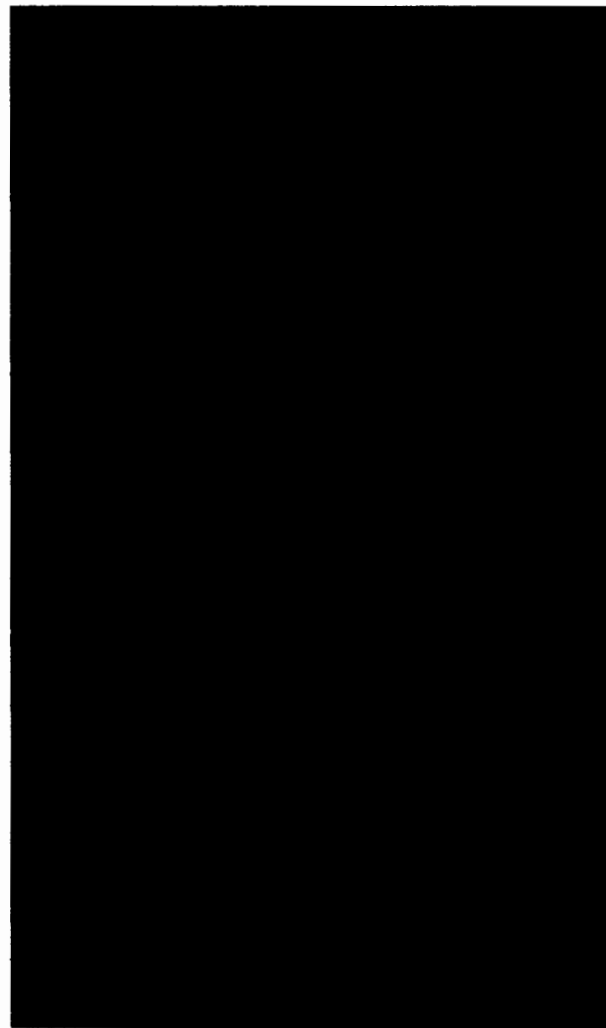
0001

Faculty members from the Unit/School have interviewed the applicant and have been asked to send their recommendations to the Dean:



Q1 - Please sign here:

Q1_Id - Id

Thumbnail	Source	Size	Type
		8.09KB	image/png
		5KB	image/png
		5.67KB	image/png
		7.11KB	image/png
		2.7KB	image/png
		8.4KB	image/png

End of Report

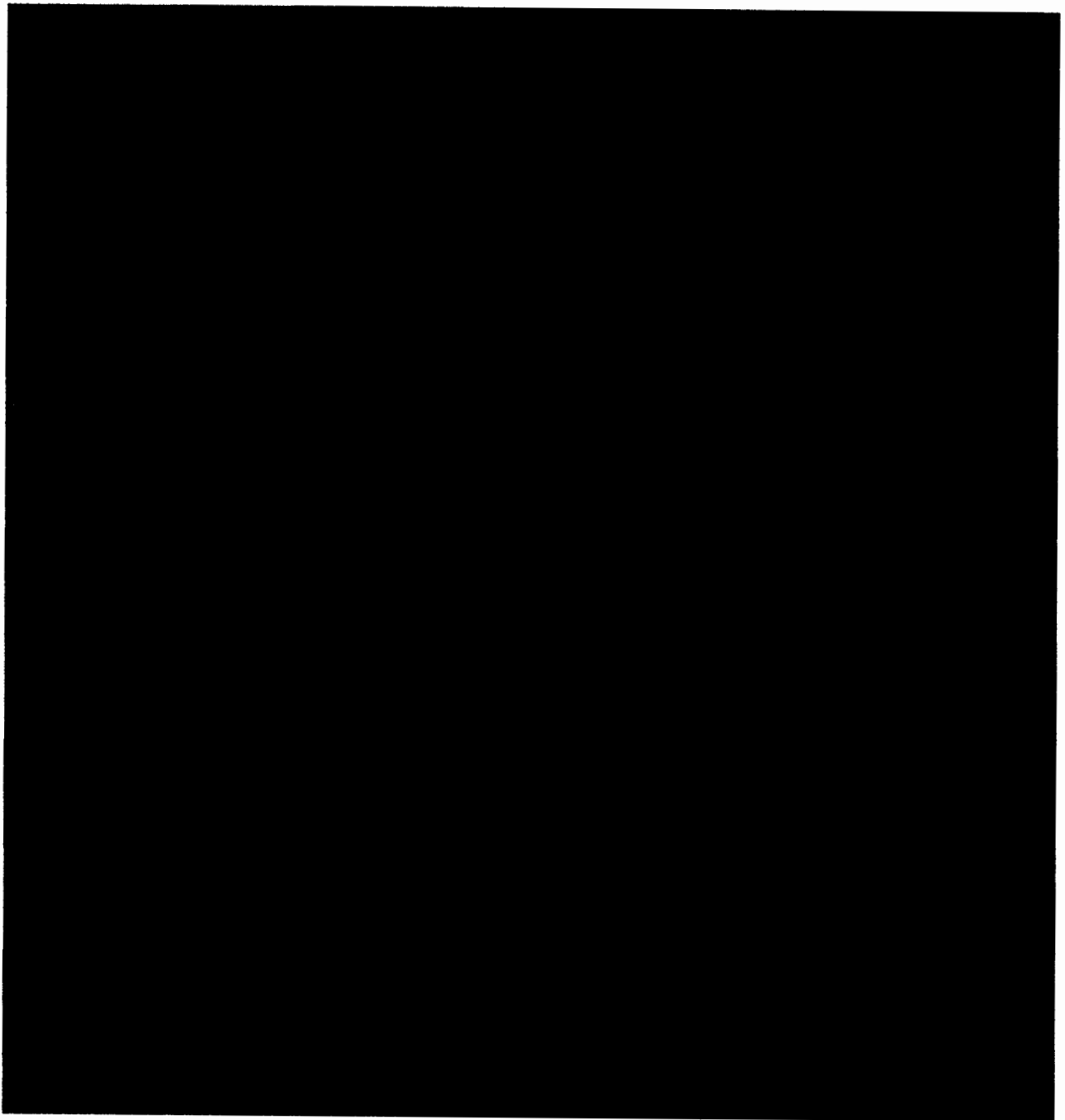
NAME:

[REDACTED]

INFO SYSTEMS

Application for Promotion - 2018

PRINT NAME	SIGNATURE	DATE	TIME TAKEN	TIME RETURNED
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



INTEROFFICE MEMORANDUM

TO: DAVID STUHR
FROM: MAUREEN TIERNEY
SUBJECT: TUTORIAL PAYMENTS
DATE: 9/28/04

As per your request we have saved the tutorial requests of the past several months until we could submit them in bulk. Please make the following tutorial payments charged to budget 246100-1110. Supporting documentation is attached.

[REDACTED]	1 tutorial	Fall 2003
[REDACTED]	1 tutorial	Spring 2004
[REDACTED]	3 tutorials	Summer 2004
[REDACTED]	3 tutorial	Spring 2004
[REDACTED]	1 tutorial	Summer 2004
[REDACTED]	1 tutorial	Summer 2004
[REDACTED]	2 tutorials	Spring 2004
Professor 15	202-52-5879 \$450 1 tutorial	Summer 2004

Approved
L. Stut
3/21/04

In addition please make the following payments:

[REDACTED] charged to [REDACTED] work on two field studies (one in Spring 2004 and one in Summer 2004).

[REDACTED] work on two field studies in Summer 2004.

ACAF '06MAY19 PM3:21


To: Dr. David Stuhr
Associate Vice President for Academic Affairs

From: Maureen Tierney
Associate Dean – Schools of Business *MA*

Date: May 18, 2006

Re: PWC Foundation Grant

It is requested that payments be made to the following faculty for their participation in the PWC Foundation Curriculum Development:

 Professor 15	\$10,000	032-26-705
	\$ 9,000	047-18975
	\$14,000	01989781
	\$ 8,000	02971749
	\$ 2,000	04683199
	\$ 2,000	04682055
	\$ 2,000	04720587
	\$ 8,000	04678987

Total: \$55,000

Please charge to FRS number 526697-1040

EXHIBIT 6

K1TESOLC - CORRECTED

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 SOLOMON,

4 Plaintiff,

5 v.

18 Cv. 04615 (ER)

6 FORDHAM UNIVERSITY,

7 Defendant

Conference

8 -----x

9 New York, N.Y.
January 29, 2020
10:30 a.m.

10 Before:

11 HON. EDGARDO RAMOS,

12 District Judge

13 APPEARANCES

14 ESTHER SOLOMON, pro se

15 CULLEN AND DYKMAN LLP
16 Attorneys for Plaintiff
17 BY: HAYLEY B. DRYER, ESQ.
18 RYAN SOEBKE, ESQ.

K1TESOLC - CORRECTED

1 produced. There are one or two outstanding items.

2 THE COURT: What items?

3 MS. DRYER: Student evaluations are outstanding, and I
4 believe that emails might be outstanding.

5 THE COURT: What is outstanding?

6 MS. DRYER: Student evaluations are outstanding.

7 THE COURT: And?

8 MS. DRYER: And a few emails might be outstanding.

9 That I would have check.

10 THE COURT: OK, so turn those over.

11 MS. SOLOMON: (Reading): With regard to the
12 redaction of documents, you represented to us during the
13 parties' March 15th meet and confer that you needed to confirm
14 whether Fordham University would agree to produce unredacted
15 HR, provost, and Gabelli files. You made this promise during
16 our March 21st meet and confer, and again during the parties'
17 April 1st meet and confer. We have now been awaiting for a
18 response from you for more than three weeks. Please confirm
19 immediately whether Fordham will agree to produce these
20 materials without redaction as required by the Federal Rules.

21 THE COURT: What materials are these?

22 MS. SOLOMON: The personnel files that I'm asking
23 about now, they told me that I have to put the subpoenas, and
24 now they say: Oops, you have them already.

25 THE COURT: Ms. Dryer?

K1TESOLC - CORRECTED

1 MS. DRYER: Your Honor, all of the information that
2 has been requested in the subpoenas have been produced. The
3 comparator sheets -- Dr. Solomon requested the comparator files
4 be subpoenaed. That has been produced. She now contests that
5 we had not agreed to a period starting 2008. That was
6 requested by Dr. Solomon in her document demands.

7 The purpose of the subpoenas though, your Honor, is to
8 harass Fordham.

9 THE COURT: I'm sorry. If she served you with a
10 subpoena, does that permit you to turn over the files in an
11 unredacted fashion of the comparators?

12 MS. DRYER: With a lawful subpoena. It is Fordham's
13 position this is not a lawful and correct subpoena.

14 THE COURT: Why not?

15 MS. DRYER: Because we have turned over all the
16 information that's sought in the subpoena. The purpose of this
17 subpoena is to harass Fordham.

18 Dr. Solomon has, on more than one occasion, asked if
19 the comparator professors have been informed of the subpoena.
20 She is trying to cause an uproar on the Fordham campus. She
21 has -- the subpoenas asked for information before the 2008
22 period. We previously agreed with counsel that the discovery
23 would start at 2008. Any information that is sought before
24 then is way outside the statute of limitations.

25 MS. SOLOMON: Two issues, your Honor.